

4-5-01

A

Please type a plus sign (+) inside this box ☐

Attorney Docket **P1003R1C1D1**
PATENT

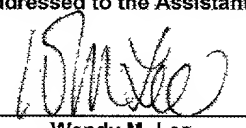
04/04/01
J1025 U.S. PTO

J0929 U.S. PTO
09/025584
04/04/01

CERTIFICATION UNDER 37 CFR 1.10

EL 599 585 468 US: Express Mail Number **April 4, 2001:** Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.


Wendy M. Lee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Robert Akita, Hayward, California
Mark Sliwowski, San Carlos, California

Title: **ISOLATED NUCLEIC ACIDS, VECTORS AND HOST CELLS ENCODING ErbB3 ANTIBODIES (AS AMENDED)**

1. Type of Application

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☐ continuation ☒ divisional application claiming priority to application Serial Number 09/316,981, filed May 24, 1999, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)

53 pages of specification
2 pages of claims
1 page(s) of abstract
2 sheet(s) of drawings
☒ formal ☐ informal

09/025584 : 04/04/01

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
___ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)
X A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)
___ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)
___ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

(for cont./div.)
X The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

___ Cancel in this application original claims___ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

___ Amend the specification by inserting before the first line the sentence:

--This is a

___ non-provisional application
___ continuation
___ divisional
___ continuation-in-part

of co-pending application(s)

___ Serial No. _ filed on __, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

___ International Application_ filed on __ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC

§120.--

_____ provisional application No. _____ filed _____, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--.

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	51	- 20 =	31	X \$18.00	\$558.00
Independent Claims	8	- 3 =	5	X \$80.00	\$400.00
_____ Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$1,668.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$1,668.00. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630 **A duplicate copy of this sheet is enclosed.**

9. Additional Papers Enclosed

☒ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and a copy of one reference.

☒ Letter and Request to Use Computer-Readable Sequence Listing under 37 CFR §1.821(e).

☐ A new Power of Attorney or authorization of agent.

☐ Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

_____ A petition, fee and/or response has been filed to extend the term in the pending prior application until _____

_____ A copy of the petition for extension of time in the **prior** application is attached.

P1003R1C1D1

11. Correspondence Address:

X Address all future communications to:

Attn: Wendy M. Lee
Genentech; Inc.
1 DNA Way
South San Francisco, CA 94080-4990
Telephone No. (650) 225-1994
Facsimile No. (650) 952-9881

Respectfully submitted,
GENENTECH, INC.

Date: April 4, 2001

By:

Wendy M. Lee
Reg. No. 40,378



PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert Akita et al. Serial No.: To Be Assigned Filed: April 4, 2001	Group Art Unit: To Be Assigned Examiner: To Be Assigned
For: ISOLATED NUCLEIC ACIDS, VECTORS AND HOST CELLS ENCODING ErbB3 ANTIBODIES (AS AMENDED)	<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p style="text-align: center;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on</p> <p style="text-align: center;">April 4, 2001</p> <p style="text-align: center;"><i>Wendy M. Lee</i></p> <p style="text-align: center;">Wendy M. Lee</p>

LETTER AND REQUEST TO USE COMPUTER-READABLE SEQUENCE LISTINGUNDER 37 CFR §1.821(e)

Assistant Commissioner of Patents
 Washington, D.C. 20231

Sir:

Applicants respectfully request that the compliant computer-readable Sequence Listing filed in application Serial No. 08/827,009 be used as the computer-readable Sequence Listing for the present, above-identified application.

The paper copy of the Sequence Listing filed in the present application is identical to the computer-readable copy of the Sequence Listing filed in the application Serial No. 08/827,009.

Respectfully submitted,

GENENTECH, INC.

Date: 4/4/01

By: *Wendy M. Lee*

Wendy M. Lee

Reg. No. 40,378

Telephone No. (650) 225-1994



09157

PATENT TRADEMARK OFFICE

1003R1C1D1 09/825584 04/04/01